

AO 120 (Rev. 3/04)

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court EDMO on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 4:06cv1476TIA	DATE FILED October 6, 2006	U.S. DISTRICT COURT EASTERN DISTRICT OF MISSOURI
PLAINTIFF MONSANTO COMPANY, ET AL.		DEFENDANT PILOT GROVE COOPERATIVE ELEVATOR, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,352,603		SEE ATTACHED COMPLAINT
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>Consent Judgment - See Attached</i>	
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CLERK <i>James Woodward</i>	(BY) DEPUTY CLERK <i>Deborah J. Leary</i>	DATE 8/21/08
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MONSANTO COMPANY and  
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

v.

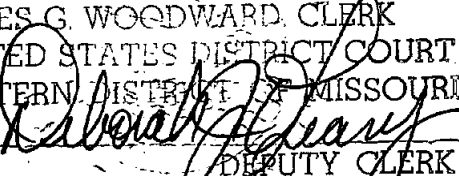
PILOT GROVE COOPERATIVE  
ELEVATOR, INC.,

Defendant.

Cause No.: 4:06-CV-01476 TIA

**FINAL CONSENT INJUNCTION AND JUDGMENT**

- A. Plaintiff Monsanto Company is a company organized and existing under the laws of the State of Delaware with its principal place of business in St. Louis, Missouri. Monsanto is authorized to do and is doing business in Missouri and in this judicial district.
- B. Plaintiff Monsanto Technology, LLC is a company organized and existing under the laws of the State of Delaware with its principal place of business in St. Louis, Missouri. Monsanto Technology, LLC is authorized to do and is doing business in Missouri and in this judicial district. Monsanto Company and Monsanto Technology, LLC are hereinafter referred to collectively as "Monsanto."
- C. Defendant Pilot Grove Cooperative Elevator, Inc. ("Defendant" or "Pilot Grove Coop") is a company organized and existing under the laws of the State of Missouri. Defendant is an elevator, agricultural retailer and provider of agricultural services.
- D. "Person" means any natural individual or any entity, and, without limiting the generality of the foregoing, includes natural persons, associations, joint ventures, limited partnerships, partnerships, corporations, companies, trusts, and public agencies.
- E. Monsanto's Roundup Ready® biotechnology is protected under U.S. Patent Number 5,352,605 (the "'605 patent"). Prior to the events giving rise to this litigation, the '605 Patent was issued to Monsanto and/or Monsanto was the exclusive licensee from the owner and was authorized to enforce the rights relating thereto, including seeking injunctive and monetary relief for the infringement thereof.

A TRUE COPY OF THE ORIGINAL  
JAMES G. WOODWARD, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
BY:   
DEPUTY CLERK

- F. Defendant agrees, acknowledges and stipulates that it knowingly infringed upon Monsanto's '605 Patent.

## **II. Permanent Injunction**

- A. It is hereby ordered, adjudged and decreed that Defendant, individually and/or by, through or with any entity, or any agent, servant, employee, and each person in active concert or participation with Defendant, including its employees, who receives actual notice of this Final Consent Injunction and Judgment by personal service or otherwise, are permanently enjoined from:

1. Directly infringing upon or inducing any other individual or entity to infringe upon U.S. Patent No. 5,352,605; and
2. Cleaning any soybean seed,

so long as Monsanto's U.S. Patent No. 5,352,605 is not found invalid or unenforceable and has not expired.

## **III. Monetary Provision**


- A. By consent of the parties, judgment is entered against Defendant in the total amount of Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$275,000.00), each party to bear its own costs and attorneys' fees.

## **IV. Other Provisions**

- A. Having read and understood the terms and conditions of this Final Consent Injunction and Judgment, the parties agree that the Final Consent Injunction and Judgment constitutes a fair and adequate resolution of all issues and claims involved in this action between Monsanto and Defendant. The parties have by the signatures herein below recommended this Court issue this Final Consent Injunction and Judgment.
- B. Jurisdiction is retained for the purpose of enabling Monsanto to apply to the Court at any time for the enforcement of the provisions herein and/or to remedy a violation of the Final Consent Injunction and Judgment. This Final Consent Injunction and Judgment shall be governed by the laws of the State of Missouri and the United States.
- C. The Parties acknowledge that they have read this Final Consent Injunction and Judgment and that they have discussed its terms and conditions with an attorney of their choice. The Parties further declare and represent that in executing this Final Consent Injunction and Judgment, they have relied wholly upon their own judgment, belief and knowledge of the nature, extent, and effect of this Final Consent Injunction Judgment, without reliance upon any statement, promise or representation by any party.

D. All remaining claims are dismissed, with prejudice.

SO ORDERED:

  
HONORABLE TERRY I. ADELMAN  
UNITED STATES MAGISTRATE JUDGE

Dated this 21 day of August, 2008.